

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

EZELL JOHNSON, JR.,

Plaintiff,

v.

**Civil Action No. 1:09cv96
(Judge Keeley)**

**RYAN CONNOR, JOSEPH DABLIZ,
KELLY LUCY AND JARROD MARSH,**

Defendants.

REPORT AND RECOMMENDATION

On July 22, 2009, the *pro se* plaintiff filed a civil rights complaint against the above-named defendants. In the complaint, the plaintiff complains of the events surrounding his arrest and conviction in Detroit, Michigan.

Because the events giving rise to this cause of action occurred in the Eastern District of Michigan, venue is not appropriate in this Court. 28 U.S.C. § 1391(b). Accordingly, it is hereby recommended that pursuant to 28 U.S.C. §§ 1404(a) and 1406(a), this matter be **TRANSFERRED** to the United States District Court for the Eastern District of Michigan for all further proceedings, and any motions pending at the time of transfer be carried with the case for consideration by the transferee Court.

Within ten (10) days after being served with a copy of this recommendation, any party may file with the Clerk of Court written objections identifying those portions of the recommendation to which objection is made and the basis for such objections. A copy of any objections shall also be submitted to the Honorable Irene M. Keeley, United States District Judge. Failure to timely file objections to this recommendation will result in waiver of the right to appeal from a judgment of this

Court based upon such recommendation. 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).

The Clerk is directed to send a copy of this Report and Recommendation to the *pro se* plaintiff by certified mail, return receipt requested, to his last known address as shown on the docket.

DATED: July 29, 2009.



DAVID J. JOEL
UNITED STATES MAGISTRATE JUDGE